

USPTO SN: 10/083,855

M. Schulte

Reply to Office Action mailed September 9, 2004

REMARKS

Applicant has cancelled claims 3, 14, 16-18, and 22-26. Applicant has corrected claims 6-7 and 11-12 to reflect proper antecedent basis.

The Office Action rejects claims 1-14 under 35 U.S.C. 103(a) as being unpatentable over Koptis (6,007,264) in view of Smith et al. (5,242,433).

Applicant has amended claim 1 to more clearly distinguish over Koptis and Smith. Claim 1, as amended, recites a system for hair removal comprising a hair removal solution having ingredients of about 3% weight per volume calcium hydroxide and about 2% weight per volume thioglycolic acid. A first pad is impregnated with the hair removal solution. A package encloses the first pad.

The Office Action states that Koptis discloses a hair removal system from the skin including a hair removal solution. However, Koptis does not teach or suggest that the hair removal solution has ingredients of about 3% weight per volume calcium hydroxide and about 2% weight per volume thioglycolic acid, as recited in amended claim 1. Moreover, Koptis does not disclose a first pad which is impregnated with the hair removal solution.

Claim 1 has been amended to more clearly illustrate the central importance of including a pad which is impregnated with hair removal solution containing the above combination of ingredients. The claimed system of hair removal is more convenient for a user by nature of the use of pre-impregnated pads. The pad is impregnated with hair removal solution having an effective combination of ingredients. In addition, the system is more cost-effective to manufacture and package.

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Applicant believes that Koptis fails to consider hair removal solution containing calcium hydroxide and thioglycolic acid introduced into impregnated pads.

As stated in the Office Action, the Smith reference discloses an application system for applying the solution to the skin including a pad and a package. Applicant submits that the teaching of Smith does not render claim 1 obvious because the limitation of applying the hair removal solution to the skin is no longer recited in the claim. In addition, Applicant can identify no text in Smith which discusses hair removal solution impregnated within the pad, in particular not one containing calcium hydroxide and thioglycolic acid. Accordingly, neither Smith nor Koptis, taken singularly or in combination, teaches or suggests hair removal solution having ingredients of about 3% weight per volume calcium hydroxide and about 2% weight per volume thioglycolic acid. Moreover, neither Koptis nor Smith discloses the pad as being impregnated with the claimed hair removal solution.

Therefore, claim 1 is believed to patentably distinguish over the Koptis reference and the Smith reference, taken singularly or in combination.

Applicant has amended claim 5 to more clearly distinguish over Koptis and Smith. Claim 5, as amended, recites the features of claim 1 and claim 4 and further includes a third piece of material joined together with the first piece of material opposite the first piece of material to form a second inner pouch opposite the first inner pouch. Claim 5, as amended, is intended to more clearly demonstrate that the second inner pouch is located in a position opposite the first inner pouch, with associated materials, instead of those materials

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being arranged in a different orientation. Applicant believes that neither Koptis nor Smith teaches or suggests the claimed orientation.

Claims 2 and 4-8 are believed to be in condition for allowance as each is dependent from an allowable base claim.

With respect to claim 9, the amended claim now recites a hair removal system comprising a hair removal solution, a first pad impregnated with the hair removal solution, and a package including a first piece of material and a second piece of material. The first piece of material is joined to the second piece of material to form a first pouch for enclosing the first pad.

The Koptis reference does not teach or suggest a pad impregnated with the hair removal solution. The pre-impregnated pad is advantageous for the reasons given above. The Smith reference also fails to consider a pad impregnated with the hair removal solution. Accordingly, the Koptis reference and the Smith reference, taken singularly or in combination, fail to disclose the features of amended claim 9.

Therefore, claim 9 is believed to patentably distinguish over the Koptis reference and the Smith reference, taken singularly or in combination. Claims 10-13 are believed to be in condition for allowance as each is dependent from an allowable base claim.

The Office Action further rejects claims 1-21 under 35 U.S.C. 103(a) as being unpatentable over Lustbader et al. (2003/0118535) in view of Smith et al. ('433).

With respect to claim 1, the Office Action states that Lustbader also discloses a hair removal system from the skin including a hair removal solution. In fact, Lustbader teaches a

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hair removal "kit" that includes a hair removal solution intended to be sprayed; see page 1, paragraphs 0002, 0011. However, Lustbader does not teach or suggest that the hair removal solution has ingredients of about 3% weight per volume calcium hydroxide and about 2% weight per volume thioglycolic acid, as recited in amended claim 1. Moreover, Lustbader does not disclose a first pad which is impregnated with the hair removal solution. As stated above, Applicant does not believe that Smith discloses hair removal solution impregnated within the pad, in particular not one containing calcium hydroxide and thioglycolic acid as claimed.

Therefore, claim 1 is believed to patentably distinguish over the Koptis reference and the Smith reference, taken singularly or in combination. Claims 2 and 4-8 are believed to be in condition for allowance as each is dependent from an allowable base claim.

With respect to claim 9, Applicant believes that neither Lustbader nor Smith, taken singularly or in combination, teaches or suggests a pad impregnated with the hair removal solution. The claimed system of hair removal is made more convenient for a user by the use of pre-impregnated pads while the system is easier to manufacture and implement.

Therefore, claim 9 is believed to patentably distinguish over the Koptis reference and the Smith reference, taken singularly or in combination. Claims 10-13 are believed to be in condition for allowance as each is dependent from an allowable base claim.

The Office Action rejects claims 15-21 under 35 U.S.C. 103(a) as being unpatentable over Koptis in view of Smith et al. Claim 15, as amended, recites a method for manufacturing a hair

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removal system comprising providing a first pad, impregnating the first pad with hair removal solution, wherein the hair removal solution includes ingredients of calcium hydroxide and thioglycolic acid, placing the first pad in a first pouch formed between first and second pieces of material, and sealing the first pouch.

Neither Koptis nor Smith, taken singularly or in combination, teaches or suggests impregnating the first pad with hair removal solution, wherein the hair removal solution includes ingredients of calcium hydroxide and thioglycolic acid.

Therefore, claim 15 is believed to patentably distinguish over the Koptis reference and the Smith reference, taken singularly or in combination. Claims 19-21 are believed to be in condition for allowance as each is dependent from an allowable base claim.

The Office Action rejects claims 15-21 under 35 U.S.C. 103(a) as being unpatentable over Lustbader in view of Smith.

Neither Lustbader nor Smith, taken singularly or in combination, teaches or suggests impregnating the first pad with hair removal solution, wherein the hair removal solution includes ingredients of calcium hydroxide and thioglycolic acid.

Therefore, claim 15 is believed to patentably distinguish over the Lustbader reference and the Smith reference, taken singularly or in combination. Claims 19-21 are believed to be in condition for allowance as each is dependent from an allowable base claim.

The Office Action further reject claims 15 and 17-19 under 35 U.S.C. 102(b) as being anticipated by Smith.

As stated above, Applicant believes that Smith, does not teach or suggest impregnating the first pad with hair removal

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solution, wherein the hair removal solution includes ingredients of calcium hydroxide and thioglycolic acid.

Therefore, claim 15 is believed to patentably distinguish over the Smith reference. Claims 19-21 are believed to be in condition for allowance as each is dependent from an allowable base claim.

Applicant has added new claims 27-30. Claim 27 recites a hair removal product comprising a package, a first pouch within the package, a second pouch within the package, the second pouch being physically separate from the first pouch, an applicator pad enclosed in the first pouch and a hair removal solution enclosed in the second pouch. Claim 27 is intended to distinguish over Koptis, Lustbader and Smith in that the product claimed includes two physically separate pouches located within the package, which Applicant believes is neither taught nor implied in the above references.

Claim 28 recites the hair removal product of claim 27 wherein the hair removal solution includes ingredients of calcium hydroxide and thioglycolic acid. Claim 29 recites the hair removal product of claim 27 wherein the applicator pad is impregnated with the hair removal solution. Claim 30 recites the hair removal product of claim 27 wherein the applicator pad is impregnated with a cleaning solution. Again, for reasons discussed above, Applicant believes the recitations in claims 28-30 are neither taught nor implied by Koptis, Lustbader or Smith, taken singularly or in combination.

Applicant believes that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the

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prosecution of the Application, Applicant invites the Examiner to call the undersigned attorney at the Examiner's convenience.

The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,  
**QUARLES & BRADY STREICH LANG LLP**

January 10, 2005By: 

Robert D. Atkins  
Reg. No. 34,288

Attorney Docket No. 153314.90017

Address all correspondence to:

**Robert D. Atkins**

Quarles &amp; Brady Streich Lang LLP

One Renaissance Square

Two North Central Avenue

Phoenix, AZ 85004

Telephone: (602) 229-5311

Facsimile: (602) 229-5690

E-mail: rda@quarles.com

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